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NASA Procedural Requirements

NPR 3790.1

Effective Date: June 11, 2014

Expiration Date: June 11, 2019

COMPLIANCE IS MANDATORY

NASA's Domestic Violence, Sexual Assault, and Stalking Response Plan

Responsible Office: Office of Human Capital Management

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Preface

P.1 Purpose

- a. This directive is NASA's plan for responding to domestic violence, including sexual assault and stalking. The plan addresses responsibilities; guidance for disclosing and responding to threats or acts of violence; workplace security plans; a review of leave and workplace flexibilities available to employees; confidentiality; disciplinary matters; training and awareness; and monitoring and reporting.
- b. Workplace violence prevention and response teams, which include domestic violence when incidents affect the workplace, are covered under NPD 1600.3 and the NASA Desk Guide for the Prevention of and Response to Workplace Violence.

P.2 Applicability

- a. All NASA civil service employees at NASA Headquarters and NASA Centers, including NASA's Component Facilities and Technical and Service Support Centers. The Jet Propulsion Laboratory (JPL), a Federally Funded Research and Development Center (FFRDC), shall implement human resource policies that harmonize with this NPR. This directive is applicable to contractor employees only to the extent specified.
- b. Concerns regarding the conduct of contractors will promptly be brought to the attention of Security or law enforcement. Contractors are encouraged to report their own safety concerns to Security and their appropriate contractor supervisor/program manager.
- c. Any reference to Center Director(s) includes the Executive Director for Headquarters Operations and the Executive Director of the NASA Shared Services Center.
- d. In this directive, all document citations are assumed to be the latest version, unless otherwise noted.
- e. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.
- f. This directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

P.3 Authority

- a. National Aeronautics and Space Act, 51 U.S.C. § 20113 (a).
- b. Presidential Memorandum Establishing Policies for Addressing Domestic Violence in the Federal Workforce, (April 18, 2012).
- c. Office of Personnel Management (OPM) Guide for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies, (February 15, 2013).

P.4 Applicable Documents and Forms

- a. Adverse Actions, 5 U.S.C. Ch. 75.
- b. Unlawful acts, 18 U.S.C. § 922 (d) (9).
- c. National Security Positions 5 CFR 732.
- d. E.O. 12968, Access to Classified Information, August 4, 1995.
- e. NPD 1600.3, Policy on Prevention of and Response to Workplace Violence.
- f. NPR 1600.1, NASA Security Program Procedural Requirements.
- g. NPR 1800.1, NASA Occupational Health Program Procedures.
- h. NPR 3600.1, Attendance and Leave.
- i. NPR 3600.2, NASA Telework Program.
- j. NPR 3752.1, Disciplinary and Adverse Actions.

k. NASA Desk Guide for Prevention of and Response to Workplace Violence, February 2008.

P.5 Measurement/Verification

The Assistant Administrator, Human Capital Management (HCM), in partnership with the Offices of Protective Services and the Chief Health and Medical Officer, shall establish Agency evaluation requirements and conduct periodic reviews for program effectiveness as necessary.

P.6 Cancellation

None.

Chapter 1. Introduction

1.1 Overview

1.1.1 NASA continuously strives to promote a supportive and safe work environment. Pursuant to the Presidential Memorandum (reference P.3), this directive establishes procedures and responsibilities for responding to domestic violence, sexual assault and stalking (herein collectively referred to as domestic violence) within the workplace, providing support at the request of employees, and enhancing awareness among employees and supervisors of the options available to assist them. The term "domestic violence," both physical and verbal, can include virtual stalking that occurs in cyberspace, such as email communications, social networking, etc. Additional definitions are located in Appendix A.

1.1.2 In some cases, domestic violence has the potential to spill over to the workplace and threaten the security and the safety of the employee as well as others. Instances of domestic violence responses that affect the workplace are included in NASA's overall workplace violence prevention and response policies covered in NPD 1600.3 and the NASA Desk Guide for the Prevention of and Response to Workplace Violence.

1.1.3 It is the Agency's goal to offer timely and supportive resources to employees who are affected by violence of any type — including domestic violence — with the understanding that each situation presents unique circumstances. Employees who disclose incidents of domestic violence through supervisors, or designated persons in Human Resources (HR), Security, Employee Assistance Program (EAP) and/or onsite Medical clinics, shall receive timely support, including information on community resources.

Chapter 2. Responsibilities

2.1 Administrator

2.1.1 The Administrator shall ensure Agency policies promote the health and safety of its workforce by increasing awareness and creating a supportive and safe work environment for employees whose lives are affected by domestic violence.

2.2 Assistant Administrator, Human Capital Management (AA, HCM)

2.2.1 AA, HCM or designee shall:

- a. Establish and coordinate policy direction and guidance to promote a safe and healthy work environment, increase awareness among employees and supervisors of the options available for assistance, and to improve workplace responses to domestic violence and its effects consistent with the goals set forth in the Presidential Memorandum (reference P.3).
- b. Be responsible for overall program accountability.
- c. Serve as the Agency-level point of contact for the Agency's domestic violence response plan.
- d. Identify training resources for Center use.

2.3 Center Directors

2.3.1 Center Directors or their designee shall:

- a. Ensure their Center promotes awareness, responds to, and addresses domestic violence response procedures in their existing security procedures.
- b. Appoint and publicize a primary point of contact for the Center's domestic violence response program whose responsibilities include acting as a point of contact for employee assistance, resources available to assist them, and questions/comments associated with the domestic violence response program.
- c. Ensure the Center's domestic violence response program is consistent with this directive and NPR 1800.1.
- d. Ensure the EAP counselor's roles and responsibilities include the capability to support employees who request assistance and the capability to advise supervisors who are responding to the needs of employees affected by domestic violence.

2.4 Human Resources (HR) Directors (also referred to as Human Capital Directors)

2.4.1 Center HR Directors or their designee shall:

- a. Collaborate with EAP and Security to:
 - (1) Provide and publicize resources, technical expertise and consultation to supervisors and/or employees who disclose incidents of domestic violence both in and out of the workplace.
 - (2) Make training available for employees and supervisors.
- b. Advise supervisors on appropriate courses of action for human resources related issues such as workplace flexibilities, disciplinary actions, etc.

2.5 Center Security Offices

2.5.1 Security personnel shall:

- a. Develop and support a workplace security plan if there are reasonable concerns of a potential for violence in the workplace.
- b. Respond to incidents that threaten the security and safety of the workplace in accordance with NPD 1600.3, NPR 1600.1, and the NASA Desk Guide for the Prevention of and Response to Workplace Violence. Ensure the victim is knowledgeable of local law enforcement resources available to support them when off-duty.
- c. Report to the Office of Inspector General (OIG) in a timely manner all reported, suspected, or alleged incidents of domestic violence (including sexual assault and stalking), which are brought to the attention of NASA Security and which allege or are suspected of constituting a violation of Federal, state, or local criminal law. These reports shall include all alleged or suspected violations of Federal, State, or local laws which have been referred to any non-NASA

investigative, prosecutive, or law enforcement authorities.

d. Serve as liaisons with local law enforcement and court system on disposition of criminal charges, sentencing, restraining orders, and victim services.

2.6 Employee Assistance Program (EAP) Offices

2.6.1 EAP Coordinators/Counselors:

- a. Provide domestic violence response assistance in accordance with Chapter 5, Employee Assistance Program, requirements in NPR 1800.1.
- b. Educate the workforce on how an EAP professional can provide support and encourage employees to seek assistance.
- c. Provide and publicize means for managers and employees to gain access to relevant information related to domestic violence.
- d. Promote awareness through Web sites, newsletters, posters, and employee or management training.
- e. Assist supervisors who are responding to the needs of employees affected by domestic violence.
- f. At an employee's request, provide information regarding local and/or national service providers who can provide support, including information on how employees can contact Protective Services, Federal Protective Service (FPS), other appropriate Security, or law enforcement personnel.
- g. Maintain an up-to-date list of referral services and resources for employees.
- h. At the request of an employee or supervisor, assist with the development of a workplace security plan.
- i. At the request of an employee, provide short-term counseling and referral services to employees.

Note: The responsibilities listed above may be shared with or be performed by Center HR Offices, at the Center's discretion. Assignment of responsibilities shall be defined in Center procedures, in accordance with EAP contract arrangements for domestic violence support and counsel.

2.7 Supervisors

2.7.1 Supervisors shall:

- a. Immediately report incidents or imminent violent situations within and affecting the workplace to appropriate emergency services (i.e., 911 and Security).
- b. At the employee's request, and in partnership with HR, Security, and EAP, provide employee assistance in accordance with this NPR.
- c. Consult with their Center human resources office for assistance with human resources issues that may be impacted by domestic violence.

2.8 Employees and Non-NASA personnel working on/in a NASA facility

2.8.1 Employees and Non-NASA personnel working on/in a NASA facility shall:

- a. Immediately report incidents or situations that appear to be a threat to the safety or security of an individual or the workplace to their supervisor and Security.

Chapter 3. Reporting Guidance for Supervisors and Employees

3.1 Reporting Guidance for Supervisors

3.1.1 Domestic violence may impact the safety and productivity of employees as well as their colleagues. Management has the responsibility to take appropriate steps to prevent and promptly respond to situations that are threats to the safety and security of an employee and/or the workplace. Additional guidance can be found in NPD 1600.3 and the NASA Desk Guide for the Prevention of and Response to Workplace Violence.

3.1.2 Any individual's disclosure of information that reveals an imminent threat to the safety and security of a person or the workplace shall be reported immediately to Security.

3.1.3 When an employee discloses information and there is no imminent safety threat, supervisors should encourage the employee to report to Security or an EAP counselor and offer the option of a workplace security plan (reference paragraph 3.4). If the supervisor believes that the information has the potential to become a workplace safety or security issue, they should report the conduct to Security as provided in NPD 1600.3.

3.2 Reporting Guidance for Employees

3.2.1 Employees who suspect or witness acts of violence or those who recognize an imminent threat to the safety and security of an employee in the workplace shall immediately report their concerns to the appropriate emergency services (i.e., 911), their supervisor and Security.

3.2.2 When an employee discloses information and there is no imminent safety threat, the employee receiving the information should report the incident to Security, HR, or an EAP counselor.

3.2.3 Employees are encouraged to discuss their needs (e.g., a workplace security plan) with their supervisor, HR, and/or EAP counselor to help maintain a secure and productive working environment.

3.2.4 Employees shall disclose when they are subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, dating violence, or stalking, in any of the following circumstances:

- a. When required by the terms of the order/action to disclose to their employer;
- b. When required by law (e.g. 5 CFR 732 and E.O. 12968 for those in sensitive positions, 18 U.S.C. § 922 (d) (9) (formerly the Lautenberg Amendment); or
- c. When required by NASA policy (e.g., in connection with the completion of security questionnaire requirements).

3.3 Reporting Guidance for Non-NASA Personnel Working on/in a NASA Facility

3.3.1 Individuals who suspect or witness acts of violence or those who recognize an imminent threat to the safety and security of an individual in the workplace shall immediately report their concerns to the appropriate emergency services (i.e., 911) and Security.

3.3.2 When an individual discloses information and there is no imminent safety threat, the individual receiving the information should report the incident to Security.

3.3.3 Individuals are encouraged to discuss their needs (e.g., a workplace security plan) with their contractor supervisor/program manager and/or Security.

3.3.4 Non-NASA employees shall disclose to their employer when they are subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, dating violence, or stalking, in any of the following circumstances:

- a. When required by the terms of the order/action to disclose to their employer.
- b. When required by law (e.g. 5 CFR 732, and E.O. 12968, for those in sensitive positions, 18 U.S.C. § 922 (d) (9) (formerly the Lautenberg Amendment).

3.4 Workplace Security Plans

3.4.1 When employees disclose they have a protection or restraining order, the supervisor, in consultation with the Center's HR, legal counsel, and Security, shall assist the employee wherever possible in creating a safe working environment.

3.4.2 When employees request a workplace security plan, supervisors shall involve appropriate points of contact in HR, EAP, and Security personnel. A workplace security plan may involve temporary or long-term changes to an

employee's work schedule, physical location, or IT resources.

3.4.3 Special consideration may be needed for situations that involve "cyberstalking" (see Appendix A for the definition of cyberstalking). Local information/computer technology and Security personnel should be consulted to address these safety concerns.

3.4.4 Security personnel can assist employees with the following types of issues: dealing with telephone, internet, or email harassment at the workplace; addressing safety when entering or leaving a worksite; using technology to enhance safety (e.g., cellular phones); what to do if confronted in the workplace by an alleged perpetrator; and, what to do if the employee sees an alleged perpetrator trying to enter the workplace.

Chapter 4 Leave and Workplace Flexibilities

4.1 Leave Options, Telework, and Scheduling Flexibilities

4.1.1 Supervisors and employees will comply with all local procedures for leave, telework and scheduling flexibilities. Supervisors should consult with HR, NPR 3600.1, and NPR 3600.2 to determine the applicability and suitability of any employee leave options, telework options, or scheduling flexibilities.

4.1.2 When employees make a request for leave, telework or other schedule flexibilities, supervisors shall consider all appropriate options. Individual needs will vary; therefore, it is important for the supervisor to discuss the needs with employees to help them remain safe and maintain their work performance.

4.1.3 Under no circumstances will management require employees to contact law enforcement or otherwise report violence as a condition for approving a request for leave, telework, or other scheduling flexibility.

Chapter 5 Confidentiality

5.1 Confidentiality of Employee Information and Records

5.1.1 To the greatest extent possible, it is important to maintain the confidentiality of employees who disclose information regarding a suspected or actual incident of domestic violence or employees who report a suspected or actual incident to their supervisor or Security when they suspect or witnesses acts of violence in the workplace. Confidentiality may not be kept in situations where maintaining confidentiality could compromise the safety and security of the workplace. Supervisors should contact security if they have questions about workplace safety or ongoing investigations.

5.1.2 The general requirement to maintain employee confidentiality does not mitigate the requirements set forth elsewhere in this NPR for employees and supervisors to report incidents of domestic violence (including sexual assault and stalking) to NASA security, or the requirement for NASA security to report suspected or alleged criminal violations to the OIG.

Chapter 6 Disciplinary Actions

6.1 Disciplinary Actions Associated with Domestic Violence

6.1.1 Circumstances associated with domestic violence can provide cause for disciplinary actions. Supervisors will contact their servicing HR organization for advice and guidance before taking any formal disciplinary action. Such actions will be effected in accordance with the appropriate provisions of law (primarily 5 U.S.C. Chapter 75); with NPR 3752.1 (or its successors); and with applicable Center policies and procedures.

6.1.2 Supervisors should consider disciplinary action, up to, and including, removal for employees whose conduct adversely affects the workplace. This may include conduct that occurs outside the workplace, when a sufficient relationship (nexus) can be shown between the conduct and the employee's ability to perform their duties (or other legitimate government interest).

6.1.3 As with all disciplinary actions, supervisors contemplating discipline related to domestic violence will consider applicable penalty factors to determine the appropriate corrective action. This includes aggravating and mitigating factors that may be applicable to the circumstances of the case. For example, a disciplinary action resulting from an employee's excessive absences may consider the impact of domestic violence, if relevant, in determining the penalty.

CHAPTER 7. Training and Workplace Awareness

7.1 Training and Awareness

7.1.1 Training for all NASA personnel is an important part of response to domestic violence in the workplace. The AA, HCM will notify Centers of training resources; however, Centers are encouraged to incorporate Center-specific information into training opportunities. All training shall include resources/procedures for employees to disclose domestic violence.

7.1.2 In addition to training, the EAP shall conduct awareness campaigns to ensure employees are aware of, and have access to, domestic violence and related resources. EAP counselors/coordinators shall serve as a Center resource for promoting awareness and providing a list of local and national resources, including crisis hotlines that can assist employees. EAP, Security, and HR will ensure Center employees have access to, and are aware of, services offered and programs available, including points of contact to disclose or report matters associated with domestic violence, to support employees and families of employees affected by domestic violence.

Chapter 8. Accountability

8.1 Reporting.

8.1.1 The AA, HCM is the primary point of contact for accountability and, as required, shall establish reporting requirements and prepare summary reports for Agency stakeholders. Centers may be contacted for additional information as necessary for inputs into reports.

Appendix A. Definitions

Alleged Perpetrator. An individual who has been identified by an employee as engaging in acts of domestic or workplace violence, including sexual assault and stalking.

Cyberstalking. Following someone on the Internet, hacking into someone's e-mail, making anonymous contact with someone over the Internet or by e-mail, or using technology to make unwanted contact. Stalking may occur through use of technology including, and not limited to, e-mail, voice-mail, text messaging, use of GPS, and social networking sites.

Disclosure. A disclosure is access to or exposure of information provided by or about an employee related to incidents or concerns of domestic violence, sexual assault, or stalking relating to the employee.

Domestic Violence. A pattern of coercive behavior, including acts or threatened acts, that are used by someone to gain power and control over a current or former spouse, family member, current or former intimate partner, current or former dating partner, or person with whom the person shares a child in common. This behavior includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, threats, physical intimidation, or injury. Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship. Note: In this NPR, references to domestic violence include sexual assault and stalking.

Protective or Restraining Order. Employees may obtain a protective order, sometimes called a restraining order, a stay-away order, or a peace order, from a court to protect them from another person. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like rent or mortgage payments, which last for the duration of the order. Protective orders may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual assault, or stalking related crime.

Sexual Assault. A range of behaviors including, but not limited to, a completed nonconsensual sex act (e.g., rape, sodomy, child molestation), an attempted nonconsensual sex act, abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal harassment). Sexual assault includes any sexual act or behavior that is perpetrated when someone does not or cannot consent. Someone who has been sexually assaulted may know the person, such as a coworker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the person may be unknown. Lack of consent is inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the person is asleep, incapacitated, unconscious, or physically or legally incapable of consent.

Stalking. Stalking refers to harassing, unwanted, or threatening conduct that causes someone to fear for their safety or the safety of a family member. Stalking may include, but is not limited to, following, spying on, or waiting for someone in places such as home, school, work, or recreation place; leaving unwanted items, presents, or flowers for someone; making direct or indirect threats to harm someone, the person's children, relatives, friends, pets, or property; posting information or spreading rumors about the person on the internet, in a public place, or by word of mouth; and obtaining personal information about the person by accessing public records, using internet search services, hiring private investigators, going through the person's garbage, following the person, or contacting person's friends, family, work, or neighbors. Stalking may occur through use of technology, such as e-mail, telephone, voice-mail, text messaging, and social networking sites.

Workplace. An employee's official duty station or alternative work location that is associated with the employee's established tour of duty (working hours). The employee is considered to be in the workplace while in or utilizing the resources of the employer, including but not limited to, facilities, work sites, equipment, or vehicles, or while on work-related travel.

Workplace Security Plan. A plan devised in collaboration with an employee to implement workplace security options, such as handling of court protection orders, procedures for alerting Security personnel, temporary or permanent changes to work schedules, and/or telework agreements.

Workplace Violence. A single behavior or series of behaviors that constitute actual or potential physical assault, battery, harassment, physical/verbal/written/psychological intimidation, threats or similar actions, attempted destruction, or threats to the safety and security of the workplace or the employee's personal property, which occur at the employee's official duty location or at an alternative work location or while an individual is engaged in NASA official business or activities off site. In addition to physical acts against people or property, behavior covered by this policy also includes oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm to self and others. Workplace violence may affect or involve employees, visitors, contractors and other non-Federal employees. See NPD 1600.3 and the "NASA Desk Guide for the Prevention of and Response to Workplace Violence" for more details.

Appendix B Acronyms

AA	Assistant Administrator
CFR	Code of Federal Regulations
EAP	Employee Assistance Program
EO	Executive Order
FPS	Federal Protective Services
GPS	Global Positioning System
HC	Human Capital
HCM	Human Capital Management
HR	Human Resources
IT	Information Technology
JPL	Jet Propulsion Laboratory, a Federally Funded Research and Development Center
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
OIG	Office of the Inspector General
OPM	Office of Personnel Management